

JUL 08 2008

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS

Michael N. Milby, Clerk

In Re:

§
§
§
§Case No. 93-41563

Debtor(s).

Application for Payment of Unclaimed Funds
and Certificate of Service

1. I am making application to receive \$ 1665.67, which was deposited as unclaimed funds on behalf of Sutherland Brothers, Inc
(name of original creditor/debtor).

2. Applicant is entitled to receive the requested funds, has made sufficient inquiry and has no knowledge that any other party may be entitled to, and is not aware of any dispute regarding the funds at issued based upon the following (check the statement(s) that apply):

- ☒ a. Applicant is the creditor/debtor named in paragraph 1, and the owner of the funds appearing on the records of this Court, as evidenced by the attached documents.
- ☐ b. Applicant is the attorney in fact for the creditor/debtor named in paragraph 1, with authority to receive such funds, or who is authorized by the attached original Power of Attorney to file this application on behalf of the creditor/debtor.
- ☐ c. Applicant is the assignee or successor-in-interest of the creditor/debtor named in paragraph 1, or the representative of the assignee or successor-in-interest, as evidenced by the attached documents establishing chain of ownership and/or assignment.
- ☐ d. Applicant is a duly authorized corporate officer (if a corporation) or a general partner (if a partnership) and a representative of the creditor/debtor named in paragraph 1.
- ☐ e. Applicant is the representative of the estate of the deceased creditor/debtor named in paragraph 1, as evidenced by the attached certified copies of death certificate and other appropriate probate documents substantiating applicant's right to act on behalf of the decedent's estate.
- ☐ f. None of the above apply. As evidenced by the attached documents, applicant is entitled to these unclaimed funds because:

3. I understand that pursuant to 18 U.S.C. § 152, I could be fined no more than \$5,000, or imprisoned not more than five years, or both, if I have knowingly and fraudulently made any false statements in this document or accompanying supporting documents. I further understand that any indications of fraud detected by the Court will be turned over to the U.S. Attorney for possible prosecution.

4. I declare under penalty of perjury under the laws of the United States of America that the foregoing statements and information are true and correct.

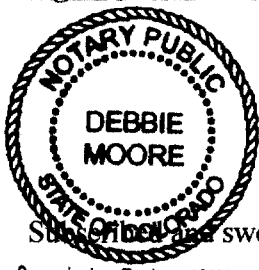
Dated: 6-10-2008

Applicant's Signature Bob Sutherland

Applicant's Name Bob Sutherland

Address _____

Phone: (970) 864 7662



Subscribed and sworn before me this 10th day of June, 2008.
My Commission Expires 10/15/2011

Debbie Moore

Notary Public

State of Colorado

My commission expires 10-15-2011

Attachments: 1. _____
2. _____
3. _____
4. _____

Certificate of Service

I certify that on _____ (date), a true and correct copy of this application for payment of unclaimed funds was served by first class United States Mail on the following:

U.S. Attorney
P.O. Box 61129
Houston, TX 77208

U.S. Trustee
515 Rusk Ave., Ste. 3516
Houston, TX 77002

Other: _____

Sutherland Brothers, Inc.
29703 Highway 97
PO Box 889
Nucla, CO 81424

Current franchise tax corporate status in Colorado attached.

Current officers:

Bobby D. Sutherland, President
Mardell L. Sutherland, Secretary/Treasurer

Articles of Incorporation attached.

Business Card attached.

Photo copy of Bob Sutherland's driver's license attached.

Corporate Seal:

OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF COLORADO

CERTIFICATE

I, Mike Coffman, as the Secretary of State of the State of Colorado, hereby certify that,
according to the records of this office,

SUTHERLAND BROS., INC.

is a
Corporation

formed or registered on 04/08/1985 under the law of Colorado, has complied with all applicable requirements of this office, and is in good standing with this office. This entity has been assigned entity identification number 19871614670 .

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 06/12/2008 that have been posted, and by documents delivered to this office electronically through 06/16/2008 @ 16:42:44 .

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, authenticated, issued, delivered and communicated this official certificate at Denver, Colorado on 06/16/2008 @ 16:42:44 pursuant to and in accordance with applicable law. This certificate is assigned Confirmation Number 7111613 .



A handwritten signature in black ink, appearing to read 'Mike Coffman', is written over a horizontal line.

Secretary of State of the State of Colorado

*****End of Certificate*****

Notice: A certificate issued electronically from the Colorado Secretary of State's Web site is fully and immediately valid and effective. However, as an option, the issuance and validity of a certificate obtained electronically may be established by visiting the Certificate Confirmation Page of the Secretary of State's Web site, <http://www.sos.state.co.us/biz/CertificateSearchCriteria.do> entering the certificate's confirmation number displayed on the certificate, and following the instructions displayed. Confirming the issuance of a certificate is merely optional and is not necessary to the valid and effective issuance of a certificate. For more information, visit our Web site, <http://www.sos.state.co.us/> click Business Center and select "Frequently Asked Questions."

ARTICLES OF INCORPORATION

of 1977

SUTHERLAND BROS., INC.

The undersigned natural person, who is more than eighteen years of age, hereby establishes a corporation pursuant to the statutes of Colorado and adopts the following Articles of Incorporation:

ARTICLE I

Name

The name of the corporation is SUTHERLAND BROS., INC.

ARTICLE II

Term of Existence

The corporation shall have perpetual existence.

ARTICLE III

Purposes and Powers

Section 1. Purposes. The nature, object and purposes of the business to be transacted shall be as follows:

a. To do everything necessary, proper, advisable or convenient for the accomplishment of the purposes hereinabove set forth, and to do all other things incidental thereto or connected therewith which are not forbidden by the corporations laws of the State of Colorado, by other law, or by these Articles of Incorporation.

Section 2. Powers. In furtherance of the foregoing purposes, the corporation shall have and may exercise all of the rights, powers and privileges now or hereafter conferred upon corporations organized under the laws of Colorado. In addition, it may do everything necessary, suitable or proper for the accomplishment of any of its corporate purposes.

ARTICLE IV

Capital Stock

Section 1. Number of Shares. The aggregate number of shares which the corporation shall have the authority to

issue is 50,000 shares of non-assessable common stock, without par value; said no par value stock shall be issued for such consideration expressed in dollars as may be fixed from time to time by the vote of the directors.

Section 2. No Fractional Shares. The corporation shall not issue fractional shares.

Section 3. Voting. Each shareholder of record shall have one vote for each share of stock standing in his name on the books of the corporation, except that in the election of directors he shall have the right to vote such number of shares for as many persons as there are directors to be elected. Cumulative voting shall not be allowed in the election of directors or for any other purpose.

Section 4. Quorum. At all meetings of shareholders, a majority of the shares entitled to vote at such meeting, represented in person or by proxy, shall constitute a quorum.

Section 5. Denial of Pre-emptive Rights. No shareholder of the corporation shall have any pre-emptive or other right to subscribe for any additional shares of stock, or for other securities of any class, or for rights, warrants or options to purchase stock or for script, or for securities of any kind convertible into stock or carrying stock purchase warrants or privileges.

Section 6. Distributions in Partial Liquidation. The Board of Directors may from time to time distribute to the shareholders in partial liquidation, out of stated capital or capital surplus of the corporation a portion of its assets, in cash or property, subject to the limitations contained in the statutes of Colorado.

ARTICLE V

Directors

Section 1. First Directors. The number of directors of the corporation shall be not less than three; except that there need be only as many directors as there are shareholders in the event that the outstanding shares are held of records by fewer than three shareholders. Four directors shall constitute the initial board, their names and addresses being as follows:

<u>Name</u>	<u>Address</u>
Lee Sutherland	448 West Central Monticello, UT 84535
Jim Sutherland	Bar Cross Ranch Road Monticello, UT 84535
Bob Sutherland	Bar Cross Ranch Road Monticello, UT 84535
W. R. Williams	Route 1, Box 64 Decatur, AR 72722

the same to serve as directors until the first annual meeting of the shareholders or until their successors be elected and qualify.

Section 2. Director's Fees. The members of the Board of Directors and of committees thereof shall be entitled to reasonable compensation to be set by a majority of the Board of Directors.

Section 3. Indemnification. Any person made a party to any civil or criminal action, suit or proceeding by reason of the fact that he, his testator or intestate, is or was a Director, Officer or Employee of this corporation or any corporation which he served as such at the request of this corporation, shall be indemnified by the corporation against the reasonable expenses, including, without limitation, attorney's fees and amounts paid in satisfaction of judgment or in settlement, other than amounts paid to the corporation by him, actually and necessarily incurred by or imposed upon him in connection with, or resulting from the defense of such civil or criminal action, suit or proceeding, or in connection with or resulting from any appeal therein, except in relation to matters as to which it shall be adjudged in such civil or criminal action, suit or proceeding that such Officer, Director, or Employee is liable for negligence or misconduct in the performance of his duties. In the case of a criminal action, suit or proceeding a conviction (whether based on a plea of guilty or nolo contendere or its equivalent, or after trial) shall not of itself be deemed an adjudication that such Officer, Director or Employee is liable for negligence or misconduct in the performance of his duties to the corporation. Any amount payable pursuant to this article may be determined and paid, at the option of the person to be indemnified, pursuant to procedure set forth from time to time in the By-laws or by any of the following procedures: (a) order of the court having jurisdiction of any such civil or criminal

action, suit or proceeding, (b) resolution adopted by a majority of a quorum of the Board of Directors of the corporation without counting in such majority or quorum any interested directors, (c) resolution adopted by the holders of record of a majority of the outstanding shares of capital stock of the corporation having voting power, or (d) order of any court having jurisdiction over the corporation. Such right or indemnification shall not be exclusive of any other right which such Officers, Directors, and Employees of the corporation, and the other persons above mentioned, may have or hereafter acquire and, without limiting the generality of such statement, they shall be entitled to their respective rights of indemnification under any by-law, agreement, vote of stockholders, provisions of law or otherwise, as well as their rights under this article.

ARTICLE VI

Registered Office and Registered Agent

The address of the initial registered office of the corporation is 1021 Main Street, Grand Junction, Mesa County, Colorado 81501. The name of the registered agent at such address is T. J. Harshman.

ARTICLE VII

Provisions for Regulations of Internal Affairs

The following provisions are inserted for the management of the business and for the conduct of the affairs of the corporation, and the same are in furtherance of and not in limitation or exclusion of the powers conferred by law.

Section 1. Right of Officers and Directors to Contract with Corporation. No contract or other transaction between the corporation and any other corporation shall be affected or invalidated by the fact that any one or more of the Directors of this corporation is or are interested in, or is a Director or officer, or are Directors or officers of such other corporation, and any Director or Directors, individually or jointly may be a party or parties to or may be interested in any contract or transaction of this corporation or in which this corporation with any person or persons, firm or association shall be affected or invalidated by the fact that any Director or Directors of this corporation, act or transaction, or in any way connected with such person or persons, firm or association, and each and every person who may become a Director of this corporation is hereby relieved from any liability that might

declared that he was the person who signed the foregoing document as incorporator and that the statements therein contained are true.

My commission expires: 05/10/87.


Notary Public

ACKNOWLEDGMENT

STATE OF COLORADO)
) SS.
COUNTY OF MESA)

The foregoing instrument was acknowledged before me
this 44th day of April, 1985, by Donald L. McBee.

My commission expires: 05/10/87.


Notary Public

☐ FEE \$ 50.00
 ON OR BEFORE 09/30/95
 DATE DUE
 REPORT YEAR 1995

STATE OF COLORADO
 BIENNIAL REPORT OF
 A CORPORATION OR LIMITED LIABILITY COMPANY

SECRETARY OF STATE
 FILED

007

AUG 21 1995

READ INSTRUCTIONS ON REVERSE SIDE BEFORE COMPLETING
 SUBMIT SIGNED FORM WITH FILING FEE

THIS FORM MUST BE TYPED

MAILING DATE 07/31/95

INFORMATION BELOW IS ON FILE IN THIS OFFICE - DO NOT CHANGE PRE-PRINTED INFORMATION

CORPORATE NAME REGISTERED AGENT, REGISTERED OFFICE, CITY, STATE & ZIP 871614670 DP STATE/COUNTRY OF INC CO SUTHERLAND BROS., INC. SUTHERLAND BROS., INC. ASPEN SPRINGS SUB PAGOSA SPRINGS CO 81157	FOR OFFICE USE ONLY 951104909 C \$50.00 SECRETARY OF STATE 08-22-95 09:03 FIRST REPORT OR CORRECTIONS IN THIS COLUMN
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Return completed reports to:
 Department of State
 Corporate Report Section
 1560 Broadway, Suite 200
 Denver, CO 80202

CHANGE OF
 R.O.R.A.

TYPE NEW AGENT NAME Bobby D. Sutherland
 SIGNATURE OF NEW REGISTERED AGENT *Bobby D. Sutherland*
 MUST HAVE A STREET ADDRESS 29703 Highway 97,
 CITY Nucla STATE CO 81424

OFFICERS NAME AND ADDRESS SUTHERLAND, VIRGIL L PO BOX 1125 MONTICELLO UT 84535	TITLE PR SUTHERLAND, VIRGIL L PR P. O. Box 404 Naturita, Co 81422
SUTHERLAND, BOBBY D 650 HERRON ST NUCLA CO 81424	ST SUTHERLAND, BOBBY D ST P. O. BOX 126 NUCLA, CO 81424

DIRECTORS OR LIMITED LIABILITY COMPANY MANAGERS SUTHERLAND, VIRGIL L PO BOX 1125 MONTICELLO UT 84535	(If you have less than 3 shareholders, you may list less than 3 directors) SUTHERLAND, VIRGIL L P. O. BOX 404 NATURITA, CO 81422
SUTHERLAND, BOBBY D 650 HERRON ST NUCLA CO 81424	SUTHERLAND, BOBBY D P. O. Box 126 NUCLA, CO 81424

Address of Principal Place of Business

Street 29703 Hwy 97,

City Nucla State Co Zip 81424

SIGNATURE

Under penalties of perjury and as an authorized officer, I declare that this biennial report and, if applicable, the statement of change of registered office and/or agent, has been examined by me and is, to the best of my knowledge and belief, true, correct, and complete.

BY *Bobby D. Sutherland* Authorized Agent
 TITLE Secretary-Treasurer DATE 8/18 19 95

☐ NOTE: DO NOT USE THIS BOX IF THIS IS YOUR FIRST REPORT!!! SEE INSTRUCTIONS ON REVERSE. IF THERE ARE NO CHANGES SINCE YOUR LAST REPORT, MARK THIS BOX, SIGN ABOVE AND RETURN WITH THE FEE AND BY THE DATE DUE INDICATED ABOVE(UPPER LEFT HAND CORNER). IF YOU ARE FILING AFTER THE DATE DUE ABOVE, CONTACT THIS OFFICE FOR THE PROPER FEE. (303) 894-2251

SEE INSTRUCTIONS ON BACK

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Colorado Secretary of State
 Date and Time: 05/14/2008 10:45 AM
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 Document number: 20081265301

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 If document is filed electronically \$ 40.00

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 and select Business Center.

Paper documents must be typewritten or machine printed.

ABOVE SPACE FOR OFFICE USE ONLY

Annual Report

filed pursuant to §7-90-301, et seq. and §7-90-501 of the Colorado Revised Statutes (C.R.S.)

ID number: 19871614670

Entity name: SUTHERLAND BROS., INC.

Jurisdiction under the law of which the
 entity was formed or registered: Colorado

You must complete line 1.

Notice:

Causing this document to be delivered to the secretary of state for filing shall constitute the affirmation or acknowledgment of each individual causing such delivery, under penalties of perjury, that the document is the individual's act and deed, or that the individual in good faith believes the document is the act and deed of the person on whose behalf the individual is causing the document to be delivered for filing, taken in conformity with the requirements of part 3 of article 90 of title 7, C.R.S., the constituent documents, and the organic statutes, and that the individual in good faith believes the facts stated in the document are true and the document complies with the requirements of that Part, the constituent documents, and the organic statutes.

This perjury notice applies to each individual who causes this document to be delivered to the secretary of state, whether or not such individual is named in the document as one who has caused it to be delivered.

1. Name(s) and address(es) of the
 individual(s) causing the document
 to be delivered for filing:

<u>Sutherland</u>	<u>Bob</u>		
<small>(Last)</small>	<small>(First)</small>	<small>(Middle)</small>	<small>(Suffix)</small>
<u>PO Box 889</u>			
<small>(Street name and number or Post Office Box information)</small>			
<u>Nucla</u>	<u>CO</u>	<u>81424</u>	
<small>(City)</small>	<small>(State)</small>	<small>(Postal/Zip Code)</small>	
<small>(Province - if applicable)</small>	<small>(Country - if not US)</small>		

(The document need not state the true name and address of more than one individual. However, if you wish to state the name and address of any additional individuals causing the document to be delivered for filing, mark this box ☐ and include an attachment stating the name and address of such individuals.)

- ☐ **Mark the box if** information requested below is current in the records of the Secretary of State
OR complete Questions 2 through 7.

2. Principal office street address:

29703 Hwy 97

(Street name and number)

Nucla

CO

81424

(City)

(State)

(Postal/Zip Code)

United States

(Province – if applicable)

(Country – if not US)

3. Principal office mailing address:
 (if different from above)

(Street name and number or Post Office Box information)

(City)

(State)

(Postal/Zip Code)

(Province – if applicable)

(Country – if not US)

4. Registered agent name: (if an individual)

(Last)

(First)

(Middle)

(Suffix)

OR (if a business organization)

Sutherland Bros., Inc

5. The person identified above as registered agent has consented to being so appointed.

6. Registered agent street address:

PO Box 889

(Street name and number)

Nucla

CO

81424

(City)

(State)

(Postal/Zip Code)

7. Registered agent mailing address:
 (if different from above)

(Street name and number or Post Office Box information)

(City)

(State)

(Postal/Zip Code)

(Province – if applicable)

(Country – if not US)

Disclaimer:

This form, and any related instructions, are not intended to provide legal, business or tax advice, and are offered as a public service without representation or warranty. While this form is believed to satisfy minimum legal requirements as of its revision date, compliance with applicable law, as the same may be amended from time to time, remains the responsibility of the user of this form. Questions should be addressed to the user's attorney.

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No such paper document was filed. Consequently, no copy of a paper document is available regarding this document.

Questions? Contact the Business Division. For contact information, please visit the Secretary of State's web site.